

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43167 of 2017

Arising Out of PS.Case No. -79 Year- 2017 Thana -KHAGARIA District- KHAGARIA

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Rahul Anand @ Rahul Kumar S/o Prof. Anand Mohan Resident of
Mohalla-Post Office Road, P.S. & District-Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Manish Kumar 2, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 21-09-2017 Heard the parties.

This application, for grant of anticipatory bail, arises out of Khagaria P.S. Case No. 79/17, disclosing offences under Section 379 of the Indian Penal Code.

The petitioner is not named in the F.I.R. On the basis of confessional statement of co-accused, his name has transpired. From the petition itself, it appears that the petitioner has criminal antecedent and the order was passed by Sessions Judge, Khagaria rejecting the petitioner's application for anticipatory bail after noticing that one stolen motorcycle, bearing registration no. B.R. 34K/8400 was recovered from the house of the petitioner.

Learned counsel for the petitioner submits that the said motorcycle relates to other case being Munger Kotwali P.S. Case



No. 41/17. He has also submitted that petitioner is a student of B.A. Part –II and therefore, he should be allowed the anticipatory bail.

The Court has noticed that learned counsel for the petitioner is in possession of the case diary. He has attempted to make a submission on the basis of what is there in the case diary. In response to query made by the Court as to wherefrom did he obtain copy of the case diary, he informs the Court that he has received it from the petitioner. It is evident, thus, that the petitioner has attempted to influence the investigating by obtaining the case diary, illegally and fraudulently. For all these reasons, this application is rejected.

The petitioner is directed to surrender before the learned court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned court below on its own merit, without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J)

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